

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

SYLVESTER JAMES MAHONE,

Plaintiff,

v.

DOUG THAUT,

Defendant.

Civil No. C04-5463RJB

ORDER ON DEFENDANT'S MOTIONS  
*IN LIMINE*

This matter comes before the court on Defendant's Motion *In Limine* (Dkt. 154). The court is familiar with the records and files herein and has reviewed all documents filed in support of and in opposition the motions. In this order, the court will adopt the numbering of the motions used by defendant.

A.1. This motion is **GRANTED** provided, however, that it does not prevent plaintiff from discussing sequelae of any injuries received on January 1, 2004.

A.2. The issues raised in this motion were resolved by the court's Order authorizing and denying subpoenas (Dkt. 169).

A.3. The court understands that the potential witness, Brian Maxey, is out-of-state, and that the court therefore does not have jurisdiction over him to direct him to appear as a witness. Testimony of out-of-state witnesses cannot be obtained simply by the trial judge issuing subpoenas

1 to them. To that extent, this motion should be **GRANTED**. Insofar as the second part of the  
2 motion is concerned, regarding testimony alleging tampering of a videotape that may be an exhibit,  
3 the motion is **DENIED**, but plaintiff is cautioned that only testimony admissible under the rules of  
4 evidence on this subject will be allowed.  
5

6 A.4. The motion is **GRANTED**.

7 B. This motion is **GRANTED** insofar as plaintiff should be required to comply with civil  
8 and evidentiary rules; however, it is **DENIED** as to whether the plaintiff will be allowed to testify  
9 in narrative form.  
10

11 C., D., E. and F. These motions are **GRANTED**.

12 G. This motion is **DENIED** without prejudice. The evidence rules cover admissibility of  
13 lay opinions.  
14

15 H. This motion is **GRANTED**.

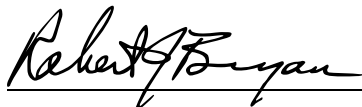
16 I. This motion is **GRANTED**.

17 J. This motion is **DENIED**.

18 **IT IS SO ORDERED.**

19 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel  
20 of record via the CM/ECF system and to any party appearing *pro se* at said party's last known  
21 address via the U.S. Mail.  
22

23 DATED this 17<sup>th</sup> day of January, 2007.

24 

25 Robert J. Bryan  
26 United States District Judge  
27